

APPROVED

**TOWN OF PELHAM PLANNING BOARD
MEETING MINUTES
December 7, 2020**

Chairman Tim Doherty called the meeting to order at approximately 7:00 p.m.

The following notice was read aloud “A Checklist to Ensure Meetings are Compliant with the Right-to-Know Law During the State of Emergency” (*regarding access to the meeting*)

Secretary Cindy Kirkpatrick called roll:

PRESENT ROLL CALL: Tim Doherty – present
 Jim Bergeron – present
 Cindy Kirkpatrick - present
 Danielle Masse-Quinn – present
 Alternate Bruce Bilapka – present
 Alternate Paddy Culbert - present
 Selectmen Representative Kevin Cote – present
 Planning Director Jeff Gowan – present

Via Telecommunication:

Roger Montbleau – present via telephone; no one in the room
Paul Dadak – present via Zoom; no one in the room
Alternate Selectmen Representative Hal Lynde – present via Zoom; no one in the room
Alternate Samuel Thomas – present via Zoom; no one in the room
Alternat Mike Sherman – present via telephone; no one in the room

ABSENT/
NOT PARTICIPATING: Alternate Richard Olsen

PLEDGE OF ALLEGIANCE

MEETING MINUTES

November 16, 2020

MOTION: (Dadak/Montbleau) To approve the November 16, 2020 meeting minutes as amended.

ROLL CALL VOTE:

Mr. Doherty – Yes
Mr. Bergeron – Yes
Ms. Kirkpatrick – Yes
Ms. Masse-Quinn – Yes
Mr. Montbleau – Yes
Mr. Dadak – Yes
Mr. Cote – Yes

(7-0-0) The motion carried.

ADMINISTRATIVE

Map 14 Lot 3-81

61 NASHUA ROAD LANDHOLDINGS, LLC – Maglio Village – Request for Bond Reduction

Mr. Gowan stated he was in receipt of a letter dated November 13, 2020 from Jeff Quirk of Keach-Nordstrom recommending a bond reduction from \$52,000.00 to \$10,700.00 (release of \$41,300.00)

MOTION: (Cote/Masse-Quinn) To approve the bond reduction.

ROLL CALL VOTE: Mr. Doherty – Yes
 Mr. Bergeron – Yes
 Ms. Kirkpatrick – Yes
 Ms. Masse-Quinn – Yes
 Mr. Montbleau – Yes
 Mr. Dadak – Yes
 Mr. Cote – Yes

(7-0-0) The motion carried.

Map 39 Lot 1-54-2,3,4,5 & 1-55

RJ MCCARTHY DEVELOPMENT, LLC – Waterford Estates – Request for Bond Reduction

Mr. Gowan indicated he was in receipt of a letter dated November 17, 2020 from Jeff Quirk of Keach-Nordstrom recommending a bond reduction from \$89,257.25 to \$26,237.25 (releasing \$63,020.00).

MOTION: (Montbleau/Cote) To approve the bond reduction.

ROLL CALL VOTE: Mr. Doherty – Yes
 Mr. Bergeron – Yes
 Ms. Kirkpatrick – Yes
 Ms. Masse-Quinn – Yes
 Mr. Montbleau – Yes
 Mr. Dadak – Yes
 Mr. Cote – Yes

(7-0-0) The motion carried.

NEW BUSINESS

Case #PL2020-00021

Map 22 Lot 8-85

GENDRON, Patrick & Kim – 579 Bridge Street – Preliminary Non-Binding Discussion regarding a proposed 90 +/- Unit Workforce Housing Project

Mr. Gowan read the list of abutters aloud. Representing the applicant was Joseph Maynard of Benchmark, LLC. Mr. Maynard informed the board that the property has over 40 acres of land and falls in the B5 zone. The property currently has a single-family residence on the South West side with a wetland that runs through the center of the property, breaking it into three areas. The two upland areas adjacent to the wetlands, which take up 14 acres, is where the applicant is looking to put the workforce housing. He informed the board that there is about 1300SF of frontage, though a good portion of that frontage is taken up by the wetlands. Mr. Maynard stated that a new road of 1500 feet would be put into the property to

provide access to the development. This road would end in a cul-de-sac with a stub left to the piece of property directly adjacent to the property. Mr. Maynard stated that the applicant has been in contact with Pennichuck Water to extend the water from the nearby church to the property. He informed the board that Pennichuck believes that there is plenty of capacity and willing to participate in the project.

Mr. Maynard then spent some time discussing the construction of the road to be put in. The road would come off the state road, Route 38, as a left-turn into the property. DOT has asked the applicants to perform a traffic study, which they are holding off on until they are further along with the Town. Due to the wetlands on the property and the placement of the road there would need to be substantial wetland fillings. He stated that State guidelines state that if the impact is 10,000SF or more, you must pay into the ARM Fund, which is used to buy property in the county for the purpose of conservation. This conversation will not happen until the project is further along with the Town. Due to the wetlands, they are trying to hook the road to the North East, to limit the impact on the wetlands as much as possible. Mr. Maynard informed the Board that the design is fluid and evolving but wanted to get opinions from the Board before they proceeded further in the project.

Mr. Doherty asked for clarification on which roads would be Town roads. Mr. Maynard clarified that the main road through the property is proposed as a Town road with all roads branching off as private roads owned by the association. The reason the main road would be proposed as a main road is because it provides access to the parcel behind this property.

Mr. Dadak asked if the houses would be rented or owned. Mr. Maynard answered saying that they are being proposed as owned properties at this time. There have been discussions on making a portion of them rentals, but at this time the understanding is that all the houses would be for sale. These units would consist of 2-3 bedrooms mixed throughout the property.

Mr. Culbert asked if there was an egress to the proposed development. Mr. Maynard responded that there is not an egress at this time. Mr. Culbert stated that he does not feel comfortable moving forward with this plan if there was no egress, especially given how crowded the development is proposed to be. Mr. Sherman agreed with this.

Mr. Lynde wanted clarification on how many acres of land the buildings would be put on. Mr. Cote brought up how in the applicant's letter, they state that they have 44 acres of usable land but the NRPC and the tax card said there was about 31 acres of usable land for the development. Mr. Maynard replied that after they personally surveyed the land, they discovered there was in fact 31 acres of usable land. Mr. Lynde also wanted to state that this project would need a variance in order to proceed, though he does not believe that there is a hardship in the land that would warrant this.

Mr. Cote asked what the selling price would be for these units and how the split between workforce and market housing would work. Mr. Maynard responded that the workforce houses in this county would sell for \$396,000.00. He explained that while Pelham's median income is lower than the surrounding communities, all the numbers are based on the surrounding region. He also explained that since Pelham does not have an ordinance on workforce housing it would follow State guidelines. The State's guidelines say that there needs to be at least an 80-20 split among the houses, meaning that 20% of the houses would sell for workforce house pricing and the remaining 80% would sell for market value.

The Board spent some time deliberating the proposed selling price for the workforce housing. A few Board members felt that this project was trying to bring in cluster housing under the guise of workforce housing the way it is proposed. The Board does not feel like this a project is aligned with the desires of the residents of the Town. Ms. Masse-Quinn stated that the Town has voted out cluster style housing in favor of more

traditional builds that have one house per acre of land. She also stated that the Town of Pelham is currently in compliance with the requirements for workforce housing.

Mr. Montbleau asked the question of what the median household income would need to be to afford one of these houses. Mr. Maynard was not aware of this number at the time of the meeting but could find the information. The Board members discussed numbers from surrounding towns. Mr. Bergeron informed the Board that for Nashua the household income would need to be a combined \$102,000.00 for a house with a maximum value of \$336,500.00 for perspective.

Mr. Culbert asked if this project should go to the Zoning Board of Adjustment before going to the Planning Board. Mr. Gowen agreed that before the formal application the Zoning Board would need to grant zoning relief. He stated that Attorney Rattigan felt like there was no harm in them coming before the Planning Board for a general discussion. Ms. Kirkpatrick informed this Board that the proposed project would be meeting with the Zoning Board at their next meeting on December 14, 2020.

The Board discussed many of its concerns with Mr. Maynard including Pelham not having the current infrastructure to handle a development of this size. Board members brought up concerns regarding the traffic impact to Route 38, impact to the Town's aquifers, as well as impact to the Town's public services including schools, fire, and police. Mr. Bergeron noted that this development would be tax negative, not tax positive or neutral. Mr. Doherty agreed, stating that one of the only tax positive developments are senior and elderly housing. These developments can be used to offset the tax increases that come with developments like the proposed workforce housing development. He believes that the Town should reconsider looking at elderly housing developments in the future, which Mr. Culbert agreed with.

Mr. Doherty then opened the discussion up for public input from the residents. Lisa Corbin of 655 Bridge Street came forward to ask who the developer of this project would be. Mr. Maynard stated he was not allowed to disclose that information at this time. David Boragine of 1 Balcom Road came forward next to bring up issues of traffic concerns on Balcom Road. He believed that this development could lead to another development on an adjacent lot that would lead out onto Balcom Road. He expressed that he did not agree with this project. Beverley Grue of 46 Balcom Road came forward next with similar concerns to Mr. Boragine in regard to the impact on traffic. She also stated that she left the city to live in the country and felt like this project was too similar to the city that she left, so she also did not agree with the project.

DISCUSSIONS

Discussion of Master Plan RFP

Sam Thomas came forward with updates on the Master Plan. He stated that after the last meeting with the Board, the RFP prepared by Mr. Gowen has been sent out. They currently have a deadline of early January for replies from companies who would write the proposal. Mr. Thomas stated that the next step would be to go before the Budget Committee for reconsideration of funding for the proposal. It is the understanding of Mr. Thomas and Mr. Gowen that the project could cost anywhere from \$75,000.00-\$125,000.00. They plan to use \$100,000.00 as an average until they hear back from the companies with their pricing. The expected deadline to hear back from these companies is January 8th.

Mr. Doherty asked Mr. Thomas if he has looked at any previous Master Plan prior to the one that the Town uses now. He responded that he only has the latest one that was done in 2002 with some slight revisions made in 2017. Mr. Doherty asked if older versions of the plan were available to see what has changed and evolved over time. Mr. Gowen responded that the Town does have the previous versions of the Master Plan available, but even those cost somewhere around \$25,000.00 through the NRPC. Mr. Gowen stated that if

and when funding is approved for this project that any candidate putting forward a proposal would need to be selected by the Planning Board.

Mr. Doherty asked that Mr. Gowan explain the importance of the Master Plan. Mr. Gowan answered that the Master Plan is the most important document in any community. He stated that the Master Plan should be used as the foundation for every decision that the Planning Board makes. In an ideal world, this plan would be used as the foundation for any new regulations or zoning put forth. He stated that the current Master Plan in use is not completely useless but is 20 years out of date. The statute recommends that Master Plans be redone every 5-10 years. He stated that he has found that the biggest challenge to updating the Master Plan over the years has been to gather information from the general public, as their perspective is what is most important. Ms. Kirkpatrick asked if it was possible to put plans in place to update the document every year or so, so that it does not have to be completely redone again. Mr. Gowan responded that the Budget Committee is not able to encumber funds for future years, so it would be difficult to answer that. He wanted to highlight that if the Board had a solid Master Plan, it would be much easier in the future to update it in 5 years as opposed to 20. Lastly, Mr. Gowan stated that he wants this document to be extremely user friendly for both the Board and the public to refer back to as needed.

Discussion of Draft Open Space Zoning

The Board was provided with a redlined and clean version of the proposed Article XV – Residential Open Space Subdivision.

Paul Gagnon, the Conservation Commission Chairman, came forward for the discussion. He stated that at the previous Planning Board meeting Mr. Doherty has asked him if any of the lots between 15-25 acres were appropriate for open space subdivisions. He stated that he spent several hours inspecting the parcels and decided that of the 33 parcels between 15-20 acres, 15 of them would be appropriate for open space subdivisions. Of the 13 lots between 20-25 acres, 6 of them would be appropriate for open space subdivisions. Mr. Doherty asked if it is possible to add some of these parcels to land already used for open space. He explained that stand alone parcels that cannot go anywhere would be a burden on something like this to expect the people of the Town to go back to a conservation subdivision. This would leave the existing land between developed areas. Mr. Gagnon agreed that some of the lots were similar to this, where a parcel of 15-25 acres was surrounded by one acre developments. They both agreed that it would make more sense to stick to one acre developments.

Mr. Gowan then stated that he took all of the comments he received from the previous meeting and incorporated the changes into the draft of the article. Specifically, he amended section 307-102 from “Reserved for future use” to “Lot Clearing.” He believed that this section should be changed to “Lot Cutting,” as it focuses on limiting any cutting that would require the approval of an intent-to-cut, which is for any cutting on a project of 10,000 feet or more. He stated that the benefit of this would be that there would be a record of the requests of intent-to-cut, as there would need to be approval from the Board of Selectmen. These records could be used so that no applications can come forward within five years to develop that land, which Mr. Gowan believed was the intention of the Board.

Mr. Gowan stated that Atty. Ratigan wanted to remind the Board of Statutory Control 674:1 – Duties of the Planning Board VI, which states that the Planning Board does not have the power to regulate timber harvesting operations not part of a subdivision application or a development project subject to site review. Mr. Gowan read section 307-102 aloud to the Board to highlight that Atty. Ratigan wanted the section to include: “The intent of this section is not to regulate timber harvesting operations, rather to insure there are enough remaining trees to contribute to a well-developed subdivision.” Atty. Ratigan recommended that if

the Board puts language like this forward to make a cross-reference to this section in the intent-to-cut application to give the applicant a ‘heads up’ to not develop the land within five years.

Mr. Gowan states that the next section where he incorporated changes was in section 307-106, C, 1, b – General Requirements. He read the addition aloud which added the requirement that road frontage lots are required to be on one acre of land in 35,000 square feet of contiguous non-wetland area, as required in conventional zoning. He hoped this language captured what the Board members wanted.

Mr. Doherty did not favor the language put forward by Mr. Gowan. He felt that the language was worse than what it was previously and was almost encouraging developers to develop on the front of the land, which is something that the Board used to try to discourage. He does not think that developing on the front of land should be encouraged unless it is an absolute necessity and is only something they have done once previously.

Mr. Bergeron wanted to state that he did not disagree with Mr. Doherty but felt that he had a different perspective than him. He stated that it was possible during the negotiations on a particular parcel to make accommodations with the applicant that would fulfill the isolation of the units. He did not see the harm with the requirement of 200 feet or more on existing roads. Mr. Bergeron stated that he believes that the blending of the two perspectives would be beneficial.

Mr. Sherman asked Mr. Gowan where the limit of 5 years came from in the Lot Clearing section. Mr. Gowan stated it was from suggestions from the Board in the previous meeting. He stated he was not a developer but thought it would be disincentive to harvest wood to make a profit and then in two years return with a subdivision application for the same area. He stated the Board could choose the length they felt fit the Town, be it 5 years, 7 years, or 10 years. Mr. Doherty agreed that the 5 years was not an arbitrary number. He stated that along the coast 5 years is in a lot of their zoning, mostly pertaining to frontage lots. He stated that if a frontage lot was subdivided out of the parent parcel, then it could not be developed into a conservation subdivision for 5 years, as they ‘cherish’ their frontage land in order to hide their conservation subdivisions. He also informed the Board that a significant amount of brush is able to grow in a 5-year period of time to help buffer hiding developments.

Mr. Bergeron stated that it is possible that the open space conservations in the towns along the east coast are fitting to the towns they are in depending on how they adjusted their density along the back side of them. He believed that this article has been well thought out, is conservative, unique to the Town, and is a better ordinance than what was previously had. He believed that this ordinance gave less ‘wobble-room’ for abuse from future Boards and helps to maintain the good work that the Conservation Committee is trying to do. He stated he is in full support of the article.

Mr. Gowan then asked if the one lot requirement on existing roads would be viewed as disincentive. He stated that a project could come before the board where they were developing on an existing road, the Board could tell them to develop the frontage lots at an acre to use for a buffer. He stated that this could adjust the number of lots they get with the process that this ordinance outlines, so that the lots on the front buffer get smaller lots in towards the back. He stated that he realized developers all want different things and that developing a large house on one acre of land along frontage roads may be more palatable to them compared to mixed development, but the Board has the authority to push plans in one direction or another or to waive sections of the zoning that they felt are inappropriate to the project before them.

Mr. Gowan stated that he wanted to get the language and verbiage set before bringing the ordinance forward to a public hearing.

Mr. Doherty also had an issue with 307-106, C, 1, a. He understood that this was written with cud-de-sacs in mind, but could lead to very oddly shaped lots coming before the board in order to achieve the 125 feet of frontage at the building setback, but with only 15 feet of road frontage, as there is no minimum on the road frontage. Mr. Bergeron asked if the Board would consider the idea of a common driveway on some lots that would split to each house in order to preserve frontage on existing roads. Mr. Doherty did not think this was a good idea.

Mr. Gowan suggested a language change to include 125 feet or more of frontage at the front building setback line and at the road. He believed this would prevent oddly shaped lots from coming before the Board. Mr. Doherty agreed with this change.

Mr. Gagnon stated that this language change would force developers into creating square lots. He stated that this would not work on cud-de-sacs at all, as a square shaped lot would not work there. He believes that there either needs to be 125 feet at the road or 125 feet at the setback. He preferred the 125 feet at the setback, that way when developing a cud-de-sac the houses would not be as close together as opposed to having the 125 feet at the road. Mr. Gowan then suggested to change the language to read “Road frontage for each building lot on interior roadways should be 125 feet at the road and at least that at the front building setback,” so as not to force a square shaped lot and allow for pie-shaped lots on cud-de-sacs.

Mr. Doherty then questioned the need of complicating the language to include both the road frontage as well as the set back. He asked if it would be better to leave it at just the road frontage, that way it would give the Board the flexibility of dealing with each project when they come before the Board. Mr. Gowan responded saying that there were other ways of adding this in if the Board did not want to add it into this article. Mr. Gowan then suggested rewording the section to read “125 feet or more of frontage for each building lot on interior roadways,” which Mr. Doherty agreed with.

Mr. Gowan then stated that they had not added the definition for HOA but could add it in now or at the first public meeting. Mr. Doherty then informed the Board that there was still the definition of a “viewshed,” though it was not linked to any section in the ordinance. Mr. Gowan and Mr. Doherty agreed to eliminate the definition of viewshed from the ordinance, as it does not pertain to the ordinance.

Mr. Gowan stated he would make all of the changes discussed in this meeting and that this will be the language posted for the first public hearing. At that time, more changes could be made.

Mr. Gagnon asked in the event that this gets to the ballot, would it say, “Recommended by the Planning Board” and wanted to know when the Board would vote on this. Mr. Gowan responded that the actual vote would be at the discretion of the Board but would most likely happen at the first or second public hearing. He informed the Board that the first public hearing would be on December 21, 2020 and Ms. Kirkpatrick responded that the second public hearing would be on January 4, 2020.

Mr. Bergeron wanted to comment on the importance of the vote on this ordinance. He informed the Board that this would either be voted on and put on the ballot with the Planning Board’s approval, or it would not go on the ballot at all. He urged other Board members to consider the importance of the vote on this ordinance.

Mr. Sherman asked if this ordinance has been sent to Atty. Ratigan yet, and if it had not, could it be sent to him before the first public hearing. Mr. Gowan responded that he would send it to Atty. Ratigan. Mr. Doherty asked if it should be sent to NRPC as well. Mr. Gowan said he would also send it to NRPC.

Discussion regarding adding Prohibited Uses Table in the MUZD Ordinance

The Board was provided with an updated version of the ordinance.

Mr. Doherty mentioned that they had added language to the beginning of the ordinance to inform that this would be an innovative land use zoning classification pursuant to RSA 674:21. He then informed the Board of changes to the Allowed Uses table under section 307-25-3 of the ordinance. These changes clarified the regulations around having multiple residential buildings on a single lot. There were also some changes of the placement of certain items in the table.

Mr. Bergeron asked for clarification relevant to Article V, which is permitted uses in the zoning districts. Mr. Doherty, Mr. Bergeron, and Mr. Gowan then discussed what was allowed under the current MUZD ordinance, and why this ordinance was needed for clarification. Mr. Gowan stated that it is not possible to place anything larger than a duplex under general zoning, unless in the business district or in the MUZD.

Mr. Dadak stated that he was in favor of the clarification on the Allowed Uses table. He stated that the change made it much easier to discern what was allowed in the MUZD.

Mr. Sherman stated under section 307-25-2, reference to Acorn Street should be stripped out of the ordinance, as there is no longer an Acorn Street in Town. What was Acorn Street has been absorbed into Old Bridge Street according to Mr. Gowan.

NON-PUBLIC SESSION – If requested in accordance with RSA91-A:3

Not requested.

ADJOURN

MOTION: (Montbleau/Cote) To adjourn the meeting.

ROLL CALL VOTE: Mr. Doherty – Yes
Mr. Bergeron – Yes
Ms. Masse-Quinn – Yes
Mr. Montbleau – Yes
Mr. Dadak – Yes
Mr. Culbert - Yes
Mr. Cote- Yes

(7-0-0) The motion carried.

The meeting was adjourned at 9:35pm.

Respectfully submitted,
Jordyn M. Isabelle
Recording Secretary